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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Wheat Bulletin A]

PART 601—WHEAT

SUBPART—1951 GRAIN AND RELATED COMMODITIES

Sec.

601.1201 Applicability of §§ 601.1201 to 601.1207.
601.1202 Definitions.
601.1203 Determination of a producer's share of the 1951 farm acreage allotment and wheat acreage.
601.1204 Time of determining share in allotment and share in crop.
601.1205 Compliance requirements; producers.
601.1206 Compliance requirements; wheat.
601.1207 Appeals.

AUTHORITY: §§ 601.1201 to 601.1207 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421.

§ 601.1201 *Applicability of §§ 601.1201 to 601.1207.* Sections 601.1201 to 601.1207 shall govern the eligibility of producers and wheat under the 1951-crop wheat price support operations insofar as compliance with 1951 wheat acreage allotments is concerned.

§ 601.1202 *Definitions.* As used in §§ 601.1201 to 601.1207, and in all instructions, forms and documents in connection herewith, the words and phrases defined in this section shall have the meaning herein assigned to them unless the context or subject matter otherwise requires.

(a) *Farm.* "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the PMA county committee in accordance with instructions issued by the Assistant Administrator for Production and Marketing Administration, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, farm machinery, and labor substantially separate from that of any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.

(b) *Ownership tract.* "Ownership tract" means all adjacent or nearby farm or range land under the same ownership which is operated by the same person, including also any field-rented tract under the same ownership. An ownership tract shall be regarded as located in the county in which the farm of which it is considered to be a part is located.

(c) *Person.* "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(d) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(e) *Producer.* "Producer" means any person having an interest in the wheat crop as landlord, tenant, sharecropper, or farm owner.

(f) (1) "Wheat acreage" means any acreage seeded for the production of wheat in 1951, excluding wheat mixtures in wheat mixture States and wheat seeded for use as green manure, cover crop, or hay in green manure, cover crop and hay counties, plus the acreage of volunteer wheat which reaches maturity: *Provided,* That acreage seeded to wheat will not be considered as wheat acreage to the extent that (i) it has been totally destroyed by any cause beyond

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

the control of the producer and cannot be reseeded on the same acreage and (ii) an additional acreage of wheat, subsequently seeded with prior approval of the county committee is substituted for the destroyed acreage.

(2) "Wheat mixture" means a mixture of wheat and other small grains (excluding vetch) containing when seeded, less than 50 percent by weight of wheat and which when harvested, produces less than 50 percent of wheat by weight.

(3) "Wheat mixture States" means States recommended by the respective PMA State committees and approved by the Director of the Grain Branch, Production and Marketing Administration, as States in which the seeding of wheat mixtures is a normal farming practice.

(4) "Green manure, cover crop, and hay counties" means counties recommended by the appropriate PMA State committees and approved by the Director of the Grain Branch, Production and Marketing Administration, as counties in which the use of wheat as green manure, cover crop, or hay is a normal farming practice.

(g) *Farm acreage allotment.* "Farm acreage allotment" means the wheat acreage allotment determined for a farm as its share of the 1951 county wheat acreage allotment. In States where county allotments are apportioned among ownership tracts, the farm acreage allotment is the sum of the acreage allotments established for the ownership tracts comprising the farm. Farm acreage allotments are established in accordance with the 1951 Wheat Acreage Allotment Regulations (15 F. R. 3614). If no wheat acreage allotment is established under such regulations, the farm shall be deemed to have a farm acreage allotment of zero acres.

§ 60.1203 *Determination of a producer's share of the 1951 farm acreage allotment and wheat acreage*—(a) *In States where the county allotment is apportioned to ownership tracts.* (1) Where one ownership tract constitutes a farm, the farm acreage allotment and the wheat acreage shall be divided according to each producer's share in the 1951 wheat crop at the time the wheat is seeded. If there is no wheat acreage on the farm, the allotment shall be divided according to the crop sharing arrangement under the leasing agreement or in the absence of a leasing agreement in accordance with the usual leasing custom in the locality.

(2) Where the farm contains more than one ownership tract, each producer's share of the farm acreage allotment shall be a number of acres determined by multiplying the wheat acreage allotment established for his individual tract(s) by his percentage share in any wheat acreage on such tract(s) at the time the wheat is seeded. If there is no wheat acreage on the tract(s), the allotment shall be divided according to the crop sharing arrangement under the leasing agreement or in the absence of a leasing agreement in accordance with the usual leasing custom in the locality.

If the wheat acreage is not in excess of the farm acreage allotment each pro-

ducer's share of the wheat acreage on the farm shall be a number of acres determined by multiplying the wheat acreage on the farm by his percentage share of the farm acreage allotment, whether or not there is any wheat acreage on his tract.

If the wheat acreage is in excess of the farm acreage allotment, each producer's share of the wheat acreage on the farm shall be computed as follows:

(i) If the wheat acreage on his tract does not exceed the acreage allotment for the tract, his share of the wheat acreage on the farm shall be deemed to be an acreage equal to his share of the acreage allotment for the farm.

(ii) If the wheat acreage on his tract exceeds the acreage allotment for the tract his share of the wheat acreage on the farm shall be deemed to be equal to his share of the acreage allotment for the farm plus a number of acres determined by multiplying the excess acreage for the farm by a percentage figure obtained by dividing his share of the excess acreage on his tract by the sum of the excess acreages for all tracts on the farm.

(b) *In States where the county allotment is apportioned to farms.* The farm acreage allotment and the wheat acreage shall be divided according to each producer's share in the 1951 wheat crop at the time the wheat is seeded. If there is no wheat acreage on the farm, the farm acreage allotment shall be divided as determined by the PMA county committee using as a guide the leasing agreement, usual leasing custom in the locality or judgment as to what the division would have been if wheat had been seeded.

§ 601.1204 *Time of determining share in farm acreage allotment and share in wheat acreage.* The producer's share in the farm acreage allotment and wheat acreage for purposes of determining compliance with farm acreage allotments shall be determined on the basis of the producer's interest at the time of seeding. Determination of eligibility on this basis will not make a producer eligible or ineligible in the aggregate because he buys, sells, or otherwise acquires or loses a farm after seeding. The wheat produced on any farm acquired or lost will be eligible only if the wheat was eligible at the time of planting and the producer acquiring the farm was not ineligible at the time of seeding. This means that even though the acreage on the farm may not be in excess of the allotment, if the producer disposing of such tract or farm was ineligible under § 601.1205, the wheat produced on such tract or farm will not be eligible for price support.

§ 601.1205 *Compliance requirements; producers.* (a) In order to be eligible for price support on 1951 crop wheat a producer's share of the total wheat acreage on all farms in the county in which he has an interest must not exceed his share of the total farm acreage allotments, as determined by the PMA county committee: *Provided*, That such producer shall not be eligible for price support if it is determined by the State PMA committee that the total of such producer's share of the total wheat acreage on all farms wherever situated, in which he has an interest, exceeds his share of the total farm acreage allotments for all such farms.

The wheat acreage on a farm shall not be deemed to be in excess of the farm acreage allotment unless such acreage allotment was knowingly exceeded. If the producer operating the farm knowingly exceeded the allotment, all producers having an interest in the wheat acreage shall be deemed to have knowingly exceeded the allotment. Wheat produced on a farm for which an allotment is not established shall not be eligible for price support.

If the wheat acreage seeded on any farm after notification of the farm acreage allotment, plus any volunteer wheat reaching maturity, exceeds the farm acreage allotment, the allotment shall be considered as having been knowingly exceeded unless it is determined by the PMA county and State committees on the basis of the evidence submitted to it that such farm acreage allotment was unknowingly exceeded. If the producer operating a farm on which the farm acreage allotment has been exceeded made no direct effort, by measuring or otherwise, to stay within the allotment, he shall be determined to have knowingly exceeded the allotment.

(b) A producer even though meeting the requirements of paragraph (a) of this section, shall be ineligible for price support on 1951 crop wheat if:

(1) The individual compliance of such producer is offset by non-compliance of a partnership, association, corporation, trust or other business enterprise in which he has a financial interest and the policies of which he is in a position to control.

(2) The compliance of such producer as a partnership, association, estate, corporation, trust, or other business enterprise is offset by non-compliance of a person who is in a position to control the operations or policies of such partnership, association, estate, corporation, trust or other business enterprise.

(3) The compliance of such producer is offset by non-compliance:

(i) On land rented by him to another producer for cash where such land was not rented for cash during the 1950 crop year, or

(ii) On a farm with respect to which he furnishes labor, work stock or financial assistance for the production of the 1951 wheat crop for a share of such crop or the proceeds thereof, or

(iii) On a farm operated by a member of his immediate family with respect to which he provides the major portion of the equipment, and the arrangment described in subdivision (i), (ii), or (iii) of this subparagraph, was entered into for the purpose of evading the eligibility requirements of the regulations in this part.

§ 601.1206 *Compliance requirements; wheat.* In order to be eligible for price support, the 1951 crop wheat must be produced by an eligible producer on a farm on which the wheat acreage is within the farm acreage allotment.

§ 601.1207 *Appeals.* Any producer who is dissatisfied with any determination respecting his compliance or eligibility may, within 15 days after notification to him of such determination by the county committee, appeal to the State committee in writing. Such appeal should contain all the facts constituting the basis of his claim that the determination is improper. If the producer is dissatisfied with the decision of the PMA State committee, he may within 15 days after the date of mailing to him of the decision of the PMA State committee, request the Director, Grain Branch, PMA, to review his case, whose decision is final.

Done at Washington, D. C., this 8th day of September 1950. Witness my hand and seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-8013; Filed, Sept. 12, 1950; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 813, Amdt. 4]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

REVISION OF PRORATION OF 1950 QUOTA

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948 and is made for the purpose of prorating among the foreign countries other than Cuba and the Republic of the Philippines that part of the prorations of the basic quota to such foreign countries remaining unfilled on September 1. This amendment also reallots to certain foreign countries the unfilled portions of the Philippine deficit heretofore allotted to other foreign countries.

Section 204 (b) of the act provides that if on the first day of September in any calendar year any part or all of any proration of the basic quota to a foreign country has not been filled the Secretary may revise the prorations and allot the unfilled portions to those foreign countries which have filled their prorations by such date.

This amendment revises the prorations of the basic quota and reallots the Philippine deficit allotted to foreign countries other than Cuba and the Republic of the Philippines. In order to afford adequate opportunity to ship the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that the revised prorations be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Prodecure Act is unnecessary, impracticable and contrary to the public interest and the amendments herein made shall become effective on the date of their publication in the FEDERAL REGISTER. It should be

noted that the act accords to each country the right to import the amount of its basic proration by providing that no reduction therein shall be made by reason of a determination under section 204 (b).

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 923; 7 U. S. C. Sup. I, 1100) and the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), Sugar Regulation 813 (14 F. R. 7753) as amended (15 F. R. 3861, 4676, 5780), establishing quotas for 1950, is hereby further amended as follows:

1. Section 813.13 is amended by adding thereto new paragraphs (e) and (f) as follows:

§ 813.13 *Determination and proration of area deficits.* * * *

(e) *Deficit in prorations of foreign countries other than Cuba and the Republic of the Philippines.* It is hereby determined, pursuant to section 204 (b) of the act, that by September 1, 1950, unfilled prorations to foreign countries of the quota for foreign countries other than Cuba and the Republic of the Philippines together with a portion of the unfilled balance of the unallotted reserve established under section 202 (c) of the act amounted to 42,217,365 pounds of sugar and that the Dominican Republic, Haiti and Peru had filled their prorations of such quota by September 1, 1950.

(f) *Allotment of unfilled prorations of quota for foreign countries other than Cuba and the Republic of the Philippines.* An amount of sugar equal to the unfilled prorations to foreign countries determined in paragraph (e) of this section is hereby prorated, pursuant to subsections (b) and (d) of section 204 of the act as follows:

Country:	*Additional prorations in pounds, raw value*
Dominican Republic	15,050,491
Haiti	2,081,316
Peru	25,085,558

2. Section 813.14 (b) is changed to read:

§ 813.14 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines.* * * *

(b) *Other proration.* An amount of sugar equal to that part of the deficit prorated to foreign countries other than Cuba and the Republic of the Philippines under paragraph (b) of § 813.13 is hereby prorated, pursuant to subsections (a) and (d) of section 204 of the act, as follows:

Country:	*Proration in pounds, raw value*
Dominican Republic	16,042,500
Haiti	2,218,500
Peru	26,739,000
	45,000,000

Statement of bases and considerations. As of September 1, 1950, the basic quota for foreign countries other than Cuba and the Republic of the Philippines, established pursuant to section 202 (c) of the act, equaled 93,840,000 pounds of sugar, raw value. On the same date the share of the 1950 Philippine deficit accruing to foreign countries other than Cuba and the Republic of the Philippines, pursuant to section 204 (a) of the act, equaled 45,000,000 pounds of sugar, raw value.

Section 204 (b) of the act provides that if, on the first day of September in any calendar year, any part or all of the proration to any foreign country of the quota for foreign countries other than Cuba and the Republic of the Philippines established under the provisions of section 202 (c) has not been filled, the Secretary may revise the proration of such quota among such foreign countries by allotting an amount of sugar equal to the unfilled proration to those countries which have filled their quotas by such date. Section 204 (c) of the act provides that the quota for any domestic area, the Republic of the Philippines, Cuba, or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any such determination of a deficit.

The Dominican Republic, Haiti, and Peru are the only foreign countries that have filled their proration of the basic quota for foreign countries other than Cuba and the Republic of the Philippines, established pursuant to section 204 (c) of the act, as of September 1, 1950. Therefore, pursuant to section 204 (b) and section 204 (d) of the act, the unfilled portions of the prorations for all other foreign countries and 400,000 pounds of the unallotted reserve have been prorated to the three foreign countries mentioned above on the basis of the proration now in effect.

The Dominican Republic, Haiti and Peru are the only foreign countries that substantially have filled their prorations of the Philippine deficit as of September 1, 1950, and appear likely to fill additional prorations before the end of the calendar year. In accordance with section 204 (d) the entire Philippine deficit prorated to foreign countries other than Cuba and the Republic of the Philippines is hereby prorated to the Dominican Republic, Haiti and Peru on the basis of the prorations now in effect.

Although the unfilled portions of the prorations which each country received pursuant to section 202 (c) of the act have been prorated to those countries that had filled their prorations as of September 1, 1950, the existing prorations for such countries in effect on that date are not reduced by reason of a deficit having been determined.

After giving effect to the changes set forth in Sugar Regulation 813 and Amendments 1 to 4 thereto, the current sugar quotas in terms of pounds, raw value, for foreign countries other than Cuba and the Republic of the Philippines are as follows:

REALLOTMENT OF BASIC PRORATIONS AND PHILIPPINE DEFICIT TO FOREIGN COUNTRIES OTHER THAN CUBA AND THE PHILIPPINES

[Sept. 1, 1950]

Country	Basic [1] proration	Adjusted basic [2] proration	Adjusted allotment of Philippine deficit	Total adjusted proration
Belgium	555,459			
Canada	1,064,847			
China and Hong Kong	543,769	11,411		11,411
Czechoslovakia	496,940			
Dominican Republic	12,585,686	27,636,177	16,042,500	43,678,677
Dutch East Indies	398,953			
Guatemala	632,074			
Haiti	1,739,399	3,830,715	2,218,500	6,039,215
Honduras	6,478,421			
Mexico	11,384,200	3,698,824		3,698,824
Netherlands	411,185			
Nicaragua	19,290,505	12,496,861		12,496,861
Peru	20,976,080	46,061,638	26,739,000	72,800,638
Salvador	15,492,399			
United Kingdom	661,828			
Venezuela	547,332			
Other countries	81,016	14,374		14,374
Subtotal	93,340,000	93,740,000	45,000,000	138,740,000
Unallotted reserve	500,000	100,000		100,000
Total	93,840,000	93,840,000	45,000,000	138,840,000

[1] By reason of sec. 204 (c) of the act each individual country retains its basic proration of the quota even though it may not have filled such proration by Sept. 1.
[2] Based on charges against quota through Sept. 1, 1950.

(Sec. 204, 61 Stat. 925; 7 U. S. C. Sup., 1114)

Done at Washington, D. C., this 8th day of September 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F R. Doc. 50-8016; Filed, Sept. 12, 1950; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 49]

PART 60—AIR TRAFFIC RULES

BIG DELTA, ALASKA; DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with

the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

1. A Big Delta, Alaska, temporary area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
BIG DELTA (WAC 77,117).	Beginning at lat. 63°56'00" N, long. 145°40'00" W; due S to lat. 63°38'00" N; WNW to lat. 63°42'00" N, long. 146°15'00" W; due N to lat. 63°55'00" N; NE to lat. 64°01'30" N, long. 145°57'00" W; SE to lat. 64°00'00" N, long. 145°53'00" W; counterclockwise along the arc of a circle with a radius of 5 miles centered at lat. 63°59'40" N, long. 145°44'00" W, to lat. 63°56'00" N, long. 145°40'00" W, point of beginning, excluding that portion overlapped by the permanent Big Delta danger area, and those portions which lie within civil airways.	Surface to 60,000 feet.	Hours of daylight, 7 days a week.	Arctic Test Branch, Army Field Forces, Big Delta, Alaska.

2. The Big Delta, Alaska, permanent area, published on March 17, 1950, in 15 F. R. 1510, and amended on June 8, 1950, in 15 F. R. 3580, is amended by changing the "Using Agency" column to read: "Arctic Test Branch, Army Field Forces, Big Delta, Alaska".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on September 12, 1950.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 50-7997; Filed, Sept. 12, 1950; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52540]

PART 22—DRAWBACK

MERCHANDISE SOLD TO U. S. GOVERNMENT

Corrected Reprint

NOTE: The copy for T. D. 52540, published on page 5690 of the FEDERAL REGISTER dated August 24, 1950, was in error. The following reprint replaces that version of T. D. 52540.

In order to place in the suppliers of merchandise sold to the United States the responsibility of reserving the right to drawback with the knowledge and consent of the particular department, branch, or agency of the United States Government concerned, the second sentence of § 22.41, Customs Regulations of 1943 (19 CFR 22.41), as amended, is further amended to read as follows: "If the merchandise was so sold, drawback shall be allowed only when claimed by the department, branch, or agency of the United States Government or when the entry is supported by a certificate signed by a proper officer of the department, branch, or agency concerned stating that the right to drawback was reserved by the supplier with the knowledge and consent of the said department, branch, or agency. A Government instrumentality operating with nonappropriated funds is not to be considered a Government agency within the meaning of this section."

Notice of the proposed amendment of the regulation was published in the FEDERAL REGISTER of May 9, 1950 (15 F. R. 2756), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). All relevant matter presented has been duly considered.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 313, 46 Stat. 693, as amended; 19 U. S. C. 1315)

This amendment shall become effective October 1, 1950.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: August 17, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-7370; Filed, Aug. 23, 1950; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter I—Transport

PART 634—VEHICLES

USE OF VEHICLES

Section 634.1 is hereby amended by changing paragraph (b) to read as follows:

§ 634.1 *Use of vehicles.* * * *

(b) Motor vehicles, except contractor-operated vehicles at contractor-owned facilities and construction projects, will be operated when not in convoy only if properly dispatched on DD Form 110 (Vehicle and Equipment Operational Record) issued by the dispatching motor pool or under such instructions as the appropriate commander under existing authority may direct.

* * * * *

[AR 700-105, July 26, 1950] (36 Stat. 1051; 10 U. S. C. 749)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. A., The Adjutant General.

[F. R. Doc. 50-7998; Filed, Sept. 12, 1950; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—FORT PECK GAME RANGE, MONTANA, HUNTING OF MIGRATORY WATERFOWL AND COOTS

Basis and purpose: On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of the Montana Department of Fish and Game, it has been determined that the public hunting of waterfowl can be permitted on certain lands of the Fort Peck Game Range without interfering with the primary purpose of the Refuge.

Inasmuch as the following regulations are relaxations of the existing prohibition against the hunting of migratory birds on the Refuge, the notice and public rule making procedure required by the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.) are hereby found to be impracticable and the effective date requirement of the Administrative Procedure Act does not apply.

Effective immediately upon publication in the FEDERAL REGISTER §§ 31.126 and 31.127 are added:

§ 31.126 *Waterfowl hunting permitted.* Migratory waterfowl and coots may be taken within the area of the Fort Peck Game Range, Montana, described in § 31.127, in accordance with the Migratory Bird Treaty Act Regulations (§§ 6.1 to 6.12, inclusive, of this chapter), when, in the manner, and to the extent not prohibited by State law or regulation; provided that the privileges herein granted shall be exercised in accordance with the provisions, conditions, restrictions, and requirements of §§ 31.123 to 31.125, inclusive: *Provided*, That the Refuge Manager may suspend hunting on the recommendation of the Corps of Engineers as a security or safety measure.

§ 31.127 *Area open to hunting.* The lands of the United States in section 3 and in the West half west of the road to the dam in section 10, T. 26 N., R. 41 E., Montana Principal Meridian, shall be open to the hunting of migratory waterfowl and coots.

(Sec. 10, 45 Stat. 1224, 16 U. S. C. 715i)

Dated: September 7, 1950.

O. H. JOHNSON,
Acting Director

[F. R. Doc. 50-8001; Filed, Sept. 12, 1950; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 918]

HANDLING OF MILK IN MEMPHIS, TENN., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Memphis, Tennessee, on March 20–24, and March 27–29, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 1112, F. R. Doc. 50–1659).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on August 3, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 8, 1950 (15 F. R. 5082). The closing date for filing exceptions was August 23, 1950.

The material issues and the findings and conclusions of the recommended decision (15 F. R. 5082, F. R. Doc. 50–6938) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein subject to the following revisions:

1. Delete the second paragraph beginning in column 2, 15 F. R. 5086 (F. R. Doc. 50–6938) and substitute therefore the following:

The price to handlers for Class I milk received at plants located 40 miles or more from the City Hall in Memphis, should be adjusted to reflect the value of such milk at the various plants. The economic value of milk for fluid uses decreases as the distance at which it is produced increases in relation to the terminal market which in this instance is Memphis. This is due largerly to the cost of transporting milk in fluid form to the market. It is therefore concluded that the Class I price to handlers for milk received from producers at so-called bottling plants located 40 miles or more from Memphis should be reduced as follows: 40 miles but less than 50 miles, 17 cents; 50 miles but less than 60 miles, 18 cents; 60 miles but less than 70 miles, 19 cents; and for each 10 mile zone thereafter an additional 1 cent. Similarly, The Class I price to handlers operating plants, so located, where milk is received, cooled, and shipped to a bottling plant should be reduced a corresponding amount with respect to producer milk which is moved from such a receiving plant to a bottling plant and which is classified as Class I milk. These location differentials would result in a reduction of 25 cents per hundredweight in the Class I price for milk which is received at the Martin, Tennessee, plant and which is moved to a bottling plant. This amount corresponds to the per hundredweight rate applied at the present time by the handler operating such plant. The Class I price for producer milk received at bottling plants in the Jackson, Tennessee, area would be reduced 21 cents per hundredweight by the application of such differentials. It is not appropriate to apply these location differentials to Class II milk since such milk can be disposed of to manufacturing plants located throughout the milkshed. For clarification purposes, it should be noted that the classification of milk disposed of from a so-called receiving station operated by a handler to a fluid milk plant operated by another handler is determined by the application of the transfer provisions which permit, under specified conditions, such handlers to agree on the classification of such milk. In the event a handler operates two or more fluid milk plants (including a so-called receiving station and bottling plant), the utilization of milk received from producers at all of his fluid milk plants is shown on a combined report and the producer milk classified in each class is prorated among the receipts of milk from producers at each plant.

2. Delete the portion of the last paragraph beginning in column 3, 15 F. R. 5086 (F. R. Doc. 50–6938) following the 6th sentence and substitute therefor the following: "* * * In order to accomplish this result, it is concluded that member producers should receive at least the same percentage of a handler's Class I sales during the months of March through August (the months for which producers are paid on the basis of a base price and an excess price) as was purchased by such handler from members of the cooperative association during the months of September through February (the months during which producers establish a base). In the event a handler purchases, during any of the months of March through August, a smaller percentage of his Class I sales from producers who are members of a cooperative association than was purchased from member producers during the preceding period of September through February, a provision is made whereby the returns to producers (members and nonmembers) of such handler will be shared proportionately in the same manner as though such handler had continued to receive milk from the same group of producers. If an equivalent amount of milk were not purchased from the cooperative association by another handler or a nonhandler for Class II use there would be no inequity among producers and the provision should not apply since such member producers would not be penalized by being paid for a disproportionate share of the Class II sales of the market."

3. Delete the last paragraph beginning in column 1, 15 F. R. 5087 (F. R. Doc. 50–6938) and substitute therefor the following:

The proposal for a base rating plan made by producers has wide support among both producers and handlers in the market. Under this plan new bases would be established each year on the basis of total deliveries made by each producer during the months of September through February. Producers in the market are currently required to make a base during a six-month period. Both producers and handlers argued that insofar as possible such plan should not be changed. In view of the established plans in the market and the long range plans made by many of the producers for fall freshening cows, it is concluded that the base forming period for each year should be the months of September through February, and the months for which producers would be paid in accordance with his base so established should be the months of March through August.

Under the plan provided for herein the market administrator would compute each year the base of each producer from whom each handler received milk during the base forming period of September through February and notify each producer of his established base on or before the 20th day following the close of such base forming period. The bases so established would be used in making payments to producers during the following months of March through August. Deliveries of base milk during these months would receive the highest available classification and deliveries in excess of base milk would receive the lowest classification.

In order to prevent the disruption of long range production plans made by producers and to aid in the progress which has been made in a level supply of milk for the market, it is necessary that each handler report his receipts of milk from each producer, and such other information as may be necessary for the market administrator to compute the base of each producer, beginning with September 1, 1950.

4. Delete that portion of the first paragraph beginning in column 2, 15 F. R. 5087 (F. R. Doc. 50–6938) following the 6th sentence and substitute the following: "If a producer begins shipping milk to the market during the months of March through August without an established base, he would receive the excess price until September 1. Such a producer may obtain a base by transfer of established base from another producer. During the period of September through February, he would receive the uniform price the same as all other producers, and he would establish a base for the following months of March through August. These rules should assure the workability of the plan without placing undue hardship upon any producer."

Rulings on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the proposed order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the proposed order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of July 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order regulating the handling of milk in the Memphis, Tennessee, marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Memphis, Tennessee, marketing area," and "order regulating the handling of milk in the Memphis, Tennessee, marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 8th day of September 1950.

[SEAL] CHARLES F. BRANNAN.
Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area

AUTHORITY: §§ 918.1 to 918.111 issued under 48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 5 U. S. C. 133 y-16.

§ 918.0 *Findings and determinations—*(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held March 20–24, and March 27–29, 1950, at Memphis, Tennessee, upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Memphis, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products, handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all (a) producer milk (including such handler's own production) received during the month, and (b) other source milk classified as Class I milk during the month.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Memphis, Tennessee, marketing area shall be in conformity to and in com-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

pliance with the following terms and conditions:

DEFINITIONS

§ 918.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 918.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 918.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified herein.

§ 918.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 918.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 918.6 *Memphis, Tennessee, marketing area.* "Memphis, Tennessee, marketing area," hereinafter called the "marketing area," means all the territory within the boundaries of the cities of Memphis and Jackson, Tennessee.

§ 918.7 *Fluid milk plant.* "Fluid milk plant" means any milk plant, except that of a producer-handler, approved by the appropriate health authority in the marketing area, and used during the month for (a) the processing and packaging of producer milk, all or a portion of which is disposed of as Class I milk in the marketing area to wholesale or retail outlets, including plant stores; or (b) the receipt and cooling of producer milk for shipment to a plant described in paragraph (a) of this section.

§ 918.8 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant.

§ 918.9 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of a fluid milk plant(s), (b) a producer-handler, or (c) any cooperative association with respect to milk of producers diverted by it from a fluid milk plant to a nonfluid milk plant for the account of such cooperative association.

§ 918.10 *Producer.* "Producer" means any person, except a producer-handler, who produces milk under a dairy farm inspection permit issued by the appropriate health authority in the marketing area and whose milk is permitted to be used for consumption as milk in the marketing area, which milk is: (a) Received at a fluid milk plant, or (b) diverted from a fluid milk plant to a nonfluid milk plant: *Provided*, That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted.

§ 918.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is purchased or received by a handler either directly from producers or from other handlers.

§ 918.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 918.13 *Producer-handler.* "Producer-handler" means any person who produces milk under a dairy farm permit issued by the appropriate health authority in the marketing area and who processes milk from his own production, and distributes all or a portion of such milk within the marketing area as Class I milk, but who receives no milk from producers.

MARKET ADMINISTRATOR

§ 918.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 918.21 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 918.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 918.97 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 918.96, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 3 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 918.30 and 918.31 or payments pursuant to § 918.90;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing on or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 918.51 (a) and the Class I butterfat differential computed pursuant to § 918.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 918.51 (b) and the Class II butterfat differential computed pursuant to § 918.52 (b), both for the previous month;

(j) Notify each handler in writing on or before the 11th day of each month the amount of the net obligation of such handler for milk received from producers during the previous month. Such notification shall show the amount and the value of milk in each class; the amount and the value of overage; and the amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months;

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and notify each handler in writing:

(1) On or before the 13th day after the end of each of the months of September through February, the uniform price and the location differential for each handler computed pursuant to §§ 918.71 and 918.93, respectively, and the butterfat differential computed pursuant to § 918.92; and

(2) On or before the 13th day after the end of each of the months of March through August, the uniform prices for base milk and for excess milk and the location differential for each handler computed pursuant to §§ 918.72 and 918.93, respectively, and the butterfat differential computed pursuant to § 918.92; and

(l) Prepare and disseminate to the public such statistics and such informa-

tion as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 918.30 *Reports of receipts and utilization.* On or before the 8th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 918.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator in detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 8th day after the end of the month, the correct name and address of each producer, the total pounds of milk received from each producer, the number of days on which milk was received from each producer, the amount of any deductions authorized in writing by the producer to be made in making payments to such producer, and the average butterfat content of the milk received from each producer.

(2) Upon request of the market administrator, the information described in subparagraph (1) of this paragraph together with such other information as the market administrator may prescribe for prior calendar months included in the period beginning with September 1950 to the effective date of this order.

(3) On or before the first day other source milk is received, such handler's intention to receive such milk and on or before the last day such milk is received, his intention to discontinue receipt of such milk.

§ 918.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled; and

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month.

§ 918.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 918.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 918.30 shall be classified by the market administrator pursuant to the provisions of §§ 918.41 through 918.46.

§ 918.41 *Classes of utilization.* Subject to the conditions set forth in §§ 918.43 and 918.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, and any other product required by the appropriate health authority in the marketing area to be made from Grade A milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) of this section, (2) disposed of for livestock feed, (3) in shrinkage up to 2 percent of receipts from producers, and (4) in shrinkage of other source milk.

§ 918.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for such handler; and

(b) Prorate the resulting amounts between such handler's receipts of skim milk and butterfat in producer milk and in other source milk.

§ 918.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if vertification by the market administrator discloses that the original classification was incorrect.

§ 918.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion from a fluid milk plant shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a fluid milk plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 918.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *Provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk: *And provided further*, That the amount of skim milk or butterfat transferred or diverted from a fluid milk plant to which a location differential applies pursuant to § 918.53 to a fluid milk plant described in § 918.7 (a) shall not be classified in Class I to the extent that the resulting uniform price for the transferring handler shall be higher than the resulting uniform price for the transferee-handler.

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a nonfluid milk plant, except that of a producer-handler, unless the following conditions are met:

(1) The handler claims classification in Class II;

(2) The market administrator is permitted to audit the books and records showing the utilization of all skim milk and butterfat received at such nonfluid milk plant, for the purpose of verification; and

(3) An amount of skim milk and butterfat not less than that so transferred or diverted was used in Class II: *Provided*, That the skim milk and butterfat so assigned to Class II shall be limited to the amount thereof in Class II in such nonfluid milk plant and any additional amounts of skim milk and butterfat so transferred or diverted shall be assigned to Class I.

§ 918.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 918.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 918.45 the market administrator shall determine

the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 918.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to § 918.44 (a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 918.50 *Basic formula price to be used in determining the Class I price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 918.51 (b), all for the preceding month.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the butterfat differential computed pursuant to § 918.52 (b) for the month by 5.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department of Agriculture during the month, add 20 percent thereof, and multiply by 4.0.

(2) For the simple average as computed my the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5 cents, and multiply by 7.5.

§ 918.51 *Class prices.* Subject to the provisions of §§ 918.52 and 918.53, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the amount set forth below for such month opposite the price range within which the basic formula price falls:

Basic formula price range (dollars per hundredweight)	Amount per hundredweight	
	September through February	March through August
Not more than 1.999	$3.48	$3.08
2.00 but not more than 2.399	3.88	3.48
2.40 but not more than 2.799	4.28	3.88
2.80 but not more than 3.199	4.68	4.28
3.20 but not more than 3.599	5.08	4.68
3.60 but not more than 3.999	5.48	5.08
4.00 but not more than 4.399	5.88	5.48
And for each additional 40 cents or fraction thereof.	An additional 40 cents	

Provided, That the Class I price from the effective date of this provision through the month of February 1951 shall not be less than $5.08 per hundredweight: *And provided further*, That for any month after this provision has been in effect for 13 months the Class I price shall be increased 40 cents per hundredweight if the receipts of milk from producers by all handlers, during the 12 months prior to the month immediately preceding the month for which the Class I price is being computed, was less than 110 percent of the total Class I milk disposed of by all handlers during such 12-month period; or the Class I price for any such month shall be reduced 40 cents per hundredweight if the receipts of milk from producers during such 12-month period are more than 125 percent of the total Class I milk disposed of by all handlers during such 12-month period.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture.

Present Operator and Location

Collierville Dairy Products Co., Collierville, Tenn.
Coldwater Dairy Products Co., Coldwater, Miss.
Olive Branch Cheese Co., Olive Branch, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Kosciusko, Miss.

§ 918.52 *Butterfat differential to handlers.* If the average butterfat content of producer milk allocated to any class pursuant to § 918.46 is more or less than 4.0 percent there shall be added to the respective class price computed pursuant to § 918.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department of Agriculture during the period listed below by the applicable factor so listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price reported for the preceding month by 1.25;

(b) *Class II milk.* Multiply such price reported for the current month by 1.20.

§ 918.53 *Location differentials to handlers.* For that portion of milk which is received from producers at a handler's fluid milk plant located 40 miles or more from the City Hall in Memphis, Tennessee, by shortest hard surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the prices specified in § 918.51 (a) shall be reduced by the amount per hundredweight set forth in the schedule below for the appropriate distance at which is located the fluid milk plant where such milk was received: *Provided*, That with respect to milk received at a fluid milk plant described in § 918.7 (b) the quantity of milk to which the location differential shall apply shall not exceed the quantity of milk actually moved from such plant in fluid form to a fluid milk plant described in § 918.7 (a) plus the quantity of milk moved from such plant in fluid form to a nonfluid milk plant and classified as Class I milk:

Distance from the City Hall in Memphis (miles):	*Amount per hundredweight (cents)*
40 but less than 50	17
50 but less than 60	18
60 but less than 70	19

Within each 10-mile zone thereafter an additional 1 cent.

APPLICATION OF PROVISIONS

§ 918.60 *Producer-handlers.* Sections 918.40 through 918.46, 918.50

through 918.53, 918.70 through 918.72, 918.80 through 918.83, and 918.90 through 918.97 shall not apply to a producer-handler.

DETERMINATION OF UNIFORM PRICE

§ 918.70 *Net obligation of each handler.* The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price, (b) add together the resulting amounts, (c) add the amounts computed by multiplying the pounds of coverage deducted from each class by the applicable class price, and (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 918.71 *Computation of the uniform price for each handler.* For each of the months of September through February the market administrator shall compute for each handler the uniform price as follows:

(a) Add to the amount computed pursuant to § 918.70 the amount of location differential pursuant to § 918.93;

(b) Subtract, if the average butterfat content of milk received from producers by such handler is more than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential to producers, and multiply the result by the total hundredweight of such milk;

(c) Add the amount represented by any deductions made pursuant to paragraph (d) of this section for fractions of a cent in computing the uniform price for the preceding month;

(d) Divide the resulting amount by the total hundredweight of milk received from producers by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. the marketing area.

§ 918.72 *Computation of the uniform price for base milk and for excess milk for each handler.* For each of the months of March through August, the market administrator shall compute for each handler the uniform price for base milk and for excess milk as follows:

(a) Add to the amount computed pursuant to § 918.70 the amount of location differential pursuant to § 918.93;

(b) Subtract, if the average butterfat content of milk received from producers by such handler is more than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential to producers, and multiply the result by the total hundredweight of such milk;

(c) Subtract, for each of the months of March through August, during which a handler purchased a smaller percentage of his Class I milk from producers who were members of a cooperative association than he so purchased during the preceding period of September through February, an amount computed as follows:

(1) Compute the difference between the percentage which Class I milk purchased from producers who were members of such cooperative association was of the total Class I milk disposed of by such handler during the preceding period of September through February, and the percentage which Class I milk purchased from member producers of such cooperative association was of the total Class I milk disposed of by such handler during the month;

(2) Multiply this percentage difference by the total Class I milk disposed of by such handler during the month; and

(3) Multiply this quantity of milk by the difference between the price of Class I milk and Class II milk for the month: *Provided*, That the total quantity of all handlers to which such difference in price shall apply shall not be greater than the pounds of milk which were received by all handlers from member producers of such cooperative association during the month, and which were classified as Class II milk: *And provided further*, That during any month when the preceding proviso applies to more than one handler the quantities of milk for each handler to be multiplied by such difference in price shall be reduced pro rata until the total of such quantities is equal to the total pounds of milk which were received by all handlers from member producers of such cooperative during the month, and which were classified as Class II milk.

(d) Add, in computing the uniform price of base milk and excess milk diverted by a cooperative association, the sum of the deductions made for the month pursuant to paragraph (c) of this section in computing such uniform prices for all handlers;

(e) Add the amount represented by any deductions made pursuant to paragraphs (h) and (i) of this section for fractions of a cent in computing such uniform prices for the preceding month;

(f) Subject to the conditions set forth in paragraph (g) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class II price;

(g) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (f) of this section from the value obtained pursuant to paragraphs (a) through (e) of this section: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price such value in excess thereof shall be added to the value computed pursuant to paragraph (f) of this section;

(h) Divide the value obtained pursuant to paragraph (g) of this section by the hundredweight of base milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. the marketing area; and

(i) Divide the value obtained pursuant to paragraph (f) of this section, subject to the conditions set forth in paragraph (g) of this section, by the hundredweight of excess milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

BASE RATING

§ 918.80 *Determination of daily base of each producer.* For the months of March through August of each year, the daily base of each producer shall be an amount of milk computed by the market administrator by dividing the total pounds of milk received from such producer by handlers during the preceding months of September through February by the total number of days in such period.

§ 918.81 *Determination of monthly base of each producer.* For each of the months of March through August of each year, the monthly base of each producer shall be an amount of milk computed by the market administrator by multiplying the daily base of such producer by the number of days on which milk was received during such month from such producer by a handler.

§ 918.82 *Base rules.* (a) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle.

(b) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of the landlord and tenant may be combined and may be divided when such relationship is terminated.

(c) The base of a producer may be moved from one handler to another and may be transferred from such producer to another producer.

§ 918.83 *Announcement of daily bases.* On or before March 20, of each year, the market administrator shall notify each producer of his daily base.

PAYMENTS

§ 918.90 *Payments to market administrator.* On or before the 12th day of each month each handler shall pay to the market administrator an amount equal to such handler's net obligation for the previous month as determined pursuant to § 918.70 less deductions authorized in writing by producers from whom he received milk. The market administrator shall maintain a separate fund in which he shall deposit all payments of handlers received pursuant to this paragraph

and out of which he shall make all payments pursuant to § 918.91.

§ 918.91 *Payments to producers.* The market administrator shall pay each producer in the following manner for milk received by a handler from such producer: *Provided,* That if such handler has not made full payment pursuant to § 918.90 for the month the market administrator shall reduce uniformly such payments to such handler's producers and shall complete such payments as soon as the necessary funds are available.

(a) On or before the 15th day after the end of the months of September through February, the market administrator shall pay each producer for milk received by a handler from such producer during the month an amount computed by multiplying the hundredweight of such milk by not less than the uniform price computed for such handler pursuant to § 918.71, subject to the adjustments specified in §§ 918.92, 918.93, and 918.96, and less deductions authorized in writing by such producer.

(b) On or before the 15th day after the end of each of the months of March through August, the market administrator shall pay each producer for milk received by a handler from such producer during the month an amount computed as follows, subject to the adjustments specified in §§ 918.92, 918.93, and 918.96, and less deductions authorized in writing by such producer:

(1) Multiply the hundredweight of base milk received from such producer by such handler by not less than the uniform price for base milk computed for such handler pursuant to § 918.72;

(2) Multiply the hundredweight of excess milk received from such producer by such handler by not less than the uniform price for excess milk computed for such handler pursuant to § 918.72; and

(3) Add together the resulting sums.

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section the market administrator shall pay, on or before the 2d day prior to the date payments are due to individual producers, to a cooperative association which is authorized to collect payment for milk of its members and from which a request for such payment has been received a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to this section.

§ 918.92 *Butterfat differential to producers.* In making payment to producers pursuant to § 918.91, there shall be added to or subtracted from, as the case may be, the applicable uniform prices computed pursuant to §§ 918.71 and 918.72 for the handler who received milk from such producer for each one-tenth of one percent of butterfat content above or below 4.0 percent in such milk the amount shown in the schedule below for the butter price range in which falls the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month:

Butter price range (cents):	*Butterfat differential (cents)*
Not more than 17.500	2
17.50–22.499	2½
22.50–27.499	3
27.50–32.499	3½
32.50–37.499	4
37.50–42.499	4½
42.50–47.499	5
47.50–52.499	5½
52.50–57.499	6
57.50–62.499	6½
62.50–67.499	7
67.50–72.499	7½
72.50–77.499	8
77.50–82.499	8½
82.50–87.499	9
87.50–92.499	9½
92.50 and over	10

§ 918.93 *Location differentials to producers.* In making payment to producers pursuant to § 918.91, there shall be deducted from the applicable uniform prices, computed pursuant to §§ 918.71 and 918.72 (h), to be paid by a handler for producer milk received at a fluid milk plant located 40 miles or more from the City Hall in Memphis, Tennessee, by the shortest hard surfaced highway distance, as determined by the market administrator, the amount set forth below for the appropriate distance at which is located the fluid milk plant where such milk was received:

Distance from the City Hall in Memphis (miles):	*Amount per hundredweight (cents)*
40 but less than 50	17
50 but less than 60	18
60 but less than 70	19

Within each 10-mile zone thereafter an additional 1 cent.

§ 918.94 *Statement to producers.* In making the payments pursuant to § 918.91, the market administrator shall furnish each producer or cooperative association with a statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The delivery period and the identity of the handler and the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer;

(c) The minimum rates at which payment to the producer or cooperative association is required under the provisions of §§ 918.91 and 918.92;

(d) The amount or rates per hundredweight of each deduction, together with a description of the respective deductions; and

(e) The net amount of payment to the producer or cooperative association.

§ 918.95 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in money due the market administrator from such handler, or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 918.96 *Marketing services.*—(a) *Deductions.* In making payments to producers pusuant to § 918.91, the market administrator shall deduct 7 cents per hundredweight or such amount not exceeding 7 cents per hundredweight as may be prescribed by the Secretary, with respect to milk (other than milk of a handler's own production) of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association.

(b) *Marketing services to be rendered.* The moneys received by the market administrator pursuant to paragraph (a) of this section shall be used by the market administrator to sample, test, and check the weights of milk received from producers for whom a cooperative association is not performing such services and to provide such producers with market information.

§ 918.97 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe with respect to all receipts within the month of (a) milk from producers including such handler's own production, and (b) other source milk which is classified as Class I milk.

§ 918.98 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of

such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 918.100 *Effective time.* The provisions hereof or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 918.101.

§ 918.101 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 918.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 918.103 *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 918.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 918.111 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 50-8014; Filed, Sept. 12, 1950; 8:50 a. m.]

[7 CFR, Part 918]

[Docket No. AO-219]

HANDLING OF MILK IN MEMPHIS, TENN., MARKETING AREA

ORDER OF SECRETARY DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION OF JULY 1950 AS REPRESENTATIVE PERIOD; AND DESIGNATION OF AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Memphis, Tennessee, marketing area) who, during the month of July 1950, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of July 1950 is hereby determined to be a representative period for the conduct of such referendum.

Byford W. Bain is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 8th day of September 1950.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 50-8015; Filed, Sept. 12, 1950; 8:50 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 2832 et al.]

MICHIGAN-WISCONSIN SERVICE CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of applications under section 401 of the Civil Aeronautics Act of 1938, as amended, for certificates of public convenience and necessity authorizing scheduled air transportation of persons, property, and mail, and under section 408 for approval of certain control relationships.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 408, and 1001 of said act, that the oral argument in the above-entitled proceeding now assigned for September 18, 1950, is reassigned for September 25, 1950, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 7, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-8000; Filed, Sept. 12, 1950; 8:46 a. m.]

[Dockets Nos. 4443, 4480]

EASTERN AIR LINES, INC. ET AL.; TOUR BASING FARES

NOTICE OF HEARING

In the matter of the investigation to determine the lawfulness of certain tour basing fares proposed by Eastern Air Lanes, Inc., National Airlines, Inc., Pan American World Airways, Inc., Braniff Airways, Inc. and other carriers.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 403, 404, and 1002 thereof, that hearing in the above-entitled proceeding is assigned to be held on September 25, 1950 at 10:00 a. m. e. d. s. t. in Room 5130, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Without limiting the scope of the issues presented by the order of investigation, particular attention will be directed to the following matters and questions:

1. Are the proposed fares, and rules and routings applicable thereto, between

Miami and New York on the one hand, and San Juan, Puerto Rico on the other, unjust or unreasonable?

2. Are the proposed fares, and rules and routings applicable thereto, unjustly discriminatory, unduly preferential or unduly prejudicial?

3. To what extent, if any, may reduced tour-basing fares be offered in air transportation which require as a condition to the use thereof that they "shall be used only as the air transportation portion of inclusive all-expense tours * * *"?

For more detailed information with respect to the issues involved attention is directed to the Prehearing Conference Report issued in this proceeding.

Notice also is given that any persons, other than parties of record as of September 8, 1950, desiring to be heard in this proceeding must file with the Board on or before September 25, 1950, a statement setting forth the issues of fact or law raised by this proceeding on which he desires to be heard.

For further details with respect to this investigation, interested parties are referred to the pertinent orders of the Civil Aeronautics Board on file in the docket.

Dated at Washington, D. C., September 8, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-7999; Filed, Sept. 12, 1950; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1907822, 1963073]

ALASKA

RESTORATION ORDER NO. 1297 UNDER FEDERAL POWER ACT

SEPTEMBER 7, 1950.

Pursuant to the following-listed determinations of the Federal Power Commission and in accordance with Departmental Order No. 2238 (a) (16) of August 16, 1946 (11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands in Alaska hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the public-land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

Determination No.	Dates and types of withdrawal	Type of restoration	Land description
DA-53	Power Site Reserve No. 674 of Jan. 23, 1918; Power Site Classification No. 107 of June 12, 1925.	Under the applicable public-land laws.	Seward Meridian, T. 12 N., R. 3 W., sec. 33, NE¼, NE¼NW¼, S½NW¼, and S½, containing 600 acres.

Portions of the above-described lands are included within a withdrawal for use by the Alaska Road Commission as an administrative site made by Public Land Order No. 644 of May 9, 1950.

Determination No.	Dates and types of withdrawal	Type of restoration	Land description
DA-53	Power Site Reserve No. 674 of Jan. 23, 1918, as modified May 29, 1918, and October 25, 1918; Power Site Classification No. 107 of June 12, 1925.	Under the applicable public-land laws.	Seward Meridian: T. 12 N., R. 3 W., sec. 2, SE¼NE¼, W½NE¼, NE¼SW¼, and NW¼; sec. 3, N½N½; sec. 11, NE¼NE¼, unsurveyed. T. 13 N., R. 3 W., sec. 34; sec. 35, NE¼, SE¼NW¼, W½NW¼, and S½, containing 1,760 acres.

The above-described lands are included in a withdrawal for military purposes made by Public Land Order No. 5 of June 26, 1942.

The above-described lands shall not become subject to the initiation of any rights or to any disposition under the public-land laws until it is so provided by an order of classification to be issued by the Regional Administrator, Bureau of Land Management, Anchorage, Alaska, opening the unreserved lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a 90-day preference right period for filing such applications by Veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

WILLIAM ZIMMERMAN, Jr., *Assistant Director.*

[F. R. Doc. 50-7977; Filed, Sept. 12, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25394]

BRICK FROM THE SOUTH TO WASHINGTON, D. C., AREA

APPLICATION FOR RELIEF

SEPTEMBER 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1044.

Commodities involved: Brick and related articles, carloads.

From: Producing points in the south.

To: Washington, D. C., South Washington, Waterloo and Rosslyn, Va.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1044, Supplement 105.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7987; Filed, Sept. 12, 1950; 8:46 a. m.]

[4th Sec. Application 25395]

MOTOR-RAIL-MOTOR RATES; CHICAGO GREAT WESTERN RAILWAY

APPLICATION FOR RELIEF

SEPTEMBER 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Associated Motor Carriers Tariff Bureau, for and on behalf of the Chicago Great Western Railway Company and other carriers named in the application.

Commodities involved: Class and commodity rates.

Between: Chicago, Ill., and St. Paul, Minn.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: A. R. Fowler's tariff I. C. C. No. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7988; Filed, Sept. 12, 1950; 8:46 a.m.]

[4th Sec. Application 25396]

IRON ORE FROM BALTIMORE, MD., AND PHILADELPHIA, PA.

APPLICATION FOR RELIEF

SEPTEMBER 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for and on behalf of The Baltimore and Ohio Railroad Company and other carriers named in the application.

Commodities involved: Iron ore, carloads.

From: Baltimore, Md., to Donora (Baird) and Monessen, Pa.

From: Philadelphia, Pa., to Monessen, Pa.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-823, Supplement 215.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the exploration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7989; Filed, Sept. 12, 1950; 8:46 a. m.]

[4th Sec. Application 25397]

CEMENT FROM PENNSYLVANIA TO RANDOLPH, MO.

APPLICATION FOR RELIEF

SEPTEMBER 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for and on behalf of carriers parties to fourth-section application No. 22013.

Commodities involved: Cement and related articles, carloads.

From: Navarro, Northampton and York, Pa.

To: Randolph, Mo.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7990; Filed, Sept. 12, 1950; 8:46 a. m.]

[4th Sec. Application 25398]

CANE PITH BLACKSTRAP MIXTURE FROM RESERVE, LA.

APPLICATION FOR RELIEF

SEPTEMBER 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3830.

Commodities involved: Cane pith blackstrap mixture, carloads.

From: Reserve, La.

To: Interstate points.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3830, Supplement 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-7991; Filed, Sept. 12, 1950; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1246]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of September A. D. 1950.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the 7 percent Cumulative Preferred Series A Stock, $100 par value, of Missouri-Kansas-Texas Railroad Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 18, 1950, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7979; Filed, Sept. 12, 1950; 8:45 a. m.]

[File Nos. 52-28, 54-183]

PITTSBURGH RAILWAYS CO. AND PHILADELPHIA CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATIONS-DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of September 1950.

In the matter of Elmer E. Bauer, trustee of Pittsburgh Railways Company, debtor and Philadelphia Company, File No. 52-28; Philadelphia Company, File No. 54-183.

The Commission, by order dated March 27, 1950, having approved a plan and amendments thereto ("Combined

Plan") filed jointly by Elmer E. Bauer, Trustee of Pittsburgh Railways Company, Debtor ("Railways"), a non-utility company, and Philadelphia Company, a registered holding company and the parent of Railways, for the reorganization of the Pittsburgh Railways System under Chapter X of the Bankruptcy Act and section 11 (f) of the Public Utility Holding Company Act of 1935 ("Holding Company Act") and for the discharge under section 11 (e) of the Holding Company Act of Philadelphia Company's guarantees affecting certain Pittsburgh Railways System securities; and

Said order, dated March 27, 1950, having also granted and permitted to become effective the applications and declarations with respect to the transactions involved in consummation of said Combined Plan, subject, among others, to the conditions specified in Rule U-24 of the rules and regulations promulgated under the Holding Company Act; and

Applicant-declarant, Elmer E. Bauer, Trustee, having filed, pursuant to said Rule U-24, a post-effective amendment to said applications-declarations in connection with said Combined Plan, as amended, wherein it is proposed that there be issued by said Trustee Interim Stock Certificates and Interim Bond Certificates to evidence the right of the holders of such proposed Certificates to receive upon final consummation of said Combined Plan definitive securities as more fully set forth in said Combined Plan; and

The Commission having examined the proposed Interim Certificates and finding with respect to said applications-declarations, as further amended, that the requirements of the applicable provisions of the Holding Company Act and the rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said applications-declarations, as further amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-24 and the applicable provisions of the Holding Company Act, that the said applications - declarations, as further amended, be, and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7982; Filed, Sept. 12, 1950; 8:45 a. m.]

[File Nos. 54-66, 59-61, 59-35]

FEDERAL WATER & GAS CORP. ET AL.

NOTICE OF FILING OF AMENDED PLAN AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of September A. D. 1950.

In the matter of Federal Water and Gas Corporation and subsidiary companies, File No. 54-66; Federal Water and Gas Corporation and subsidiary companies, Respondents, File No. 59-61; and New York Water Service Corporations, Federal Water and Gas Corporation, File No. 59-35.

I. On October 11, 1948, Federal Water and Gas Corporation ("Federal"), a registered holding company, filed a plan ("Plan") pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, proposing the distribution to its stockholders of .5 of a share of the common stock of Federal's only remaining subsidiary, Scranton-Spring Brook Water Service Company ("Scranton"), for each share of Federal stock held. The Plan was stated to be in further compliance with the Commission's opinions and orders dated February 10, 1943, July 2, 1948, and July 27, 1948. In connection with said Plan, Federal requested the Commission to find that certain claims asserted in a petition filed by New York Water Service Corporation ("New York"), a former subsidiary of Federal, in behalf of itself and its subsidiaries, including South Bay Consolidated Water Company, Inc. ("South Bay"), were not enforceable against Federal.

Answers, opposing the claims contained in New York's petition, were filed by Percival E. Jackson, John Vanneck, Vanneck & Company, and M. & C. Holding Corporation, stockholders of Federal, and by a common stockholders committee, all hereinafter collectively referred to as "Jackson et al."

By notice and order dated October 22, 1948, the Commission ordered that a hearing be held for the purpose of considering certain aspects of New York's claims and the defenses raised thereto (Holding Company Act Release No. 8592), and hearings were held. Subsequent to the filing of New York's petition referred to above, New York's subsidiary, South Bay, was placed in reorganization under Chapter X of the Bankruptcy Act, and its Trustee ("Trustee") asserted claims against Federal which had theretofore been asserted by New York, and also asserted additional claims.

II. Notice is hereby given that Federal has filed amendments to the Plan (said Plan and the amendments thereto being hereinafter referred to as the "Amended Plan"), for the settlement of the claims asserted by New York and by the Trustee, and for the distribution among Federal's stockholders of a portion of its holdings of the common stock of Scranton. All interested persons are referred to said amended Plan, which is on file in the office of this Commission, for a full statement of its provisions, which may be summarized as follows:

1. Federal has entered into an agreement with New York and its subsidiary, Western New York Water Company ("Western New York"), compromising and settling the claims asserted by New York (exclusive of the claims which had been asserted by New York in behalf of South Bay) whereby Federal will pay to New York and to Western New York the sums of $238,225 and $4,700, respectively. The claims asserted by New York (exclusive of the claims asserted by it in behalf of South Bay) amounted to approximately $7,800,000.

2. Federal has entered into an agreement with the Trustee comprising and settling the claims theretofore asserted by New York in behalf of South Bay, and the additional claims asserted by the Trustee, whereby Federal will pay to the Trustee the sum of $250,000. The obligation of Federal to make the said payment to the Trustee is subject to the condition, among others, that it be approved by the Bankruptcy Court on or before December 1, 1950. The claims in behalf of South Bay asserted by New York and the Trustee, together with a claim for interest asserted thereon, are stated to aggregate not less than $3,000,000.

3. For purposes of effecting the distribution of the common stock of Scranton, as described below, Federal will deliver to The New York Trust Company, as agent in making said distribution, 488,258 shares of common stock of Scranton. Federal now owns a total of 794,054 shares of Scranton. The undistributed balance of such shares will be reserved by Federal to meet certain claims asserted by Chenery Corporation and associates as they may eventually be adjudicated, and to discharge all other liabilities of Federal.

4. There will be distributed to Federal's stockholders of record on a date to be fixed by the Board of Directors 0.5 of a share of the common stock of Scranton for each share of Federal held. Holders of certificates of stock of Federal Water Service Corporation and of Utility Operators Company (companies in the merger through which the present Federal Water and Gas Corporation was created) who were entitled, pursuant to the merger agreement dated October 31, 1941, to exchange their stock certificates for common stock of Federal but have failed to effect such exchange, will be entitled to participate in said distribution upon exchanging said certificates for common stock of Federal before the record date or upon surrendering said stock certificates to The New York Trust Company, as distributing agent, in exchange for common stock of Federal, after the record date and before December 28, 1951.

5. As soon as practicable after December 28, 1951, The New York Trust Company will sell at public or private sale any stock of Scranton which it shall not have theretofore delivered to Federal's stockholders and thereafter will hold the net proceeds of said sale, together with any dividends which may have been received by The New York Trust Company on such undistributed stock, for the benefit of the persons who had been entitled to such undistributed stock.

6. Scrip, which will be issued in lieu of fractional shares, when combined with other scrip aggregating one or more full shares of Scranton's common stock, may be exchanged for full shares of Scranton at any time on or before December 28, 1951. Thereafter, the holders of any scrip may receive their proportionate interest in the cash proceeds of sale of such stock and in any dividends that may have been received by The New York Trust Company upon such stock.

7. Federal requests that any order of the Commission approving the Amended Plan shall contain the provisions and recitals necessary or appropriate to entitle the stockholders of Federal to the benefits of Supplement R and section 1808 (f) of the Internal Revenue Code, and section 270-c of the Tax Law of the State of New York.

8. The filing states that consummation of the Amended Plan shall be conditioned upon the entry by an appropriate District Court of the United States of an order approving and enforcing the Amended Plan and directing its consummation, and upon the final affirmance upon review thereof, if any, or the expiration of the time for bringing such review proceedings.

Jackson et al., who, as noted above, had opposed the claims filed by New York, have indicated their approval of the Amended Plan, including the proposed compromise and settlement of such claims as well as the claims put forth by the Trustee in behalf of South Bay.

III. The Commission having considered said Amended Plan of Federal, and it appearing that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held in this matter;

It is ordered, That a hearing be held herein on October 4, 1950, at 10:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On that date the hearing room clerk will advise as to the room in which the hearing will be held. Any persons desiring to be heard or otherwise participate in this proceeding and who have not previously been granted leave therefor, should notify the Commission to that effect in the manner provided in Rule XVII of the Commission's rules of practice, on or before September 27, 1950.

It is further ordered, That Harold B. Teegarden or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Hearing Officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the filing, and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the Amended Plan filed herein, as submitted or as it may hereafter be modified, is in all respects necessary to effectuate the provisions of section 11 (b) of the act;

2. Whether the proposed compromise and settlement of the asserted claims of New York and of South Bay are fair and equitable to the persons affected thereby, and whether the Amended Plan filed herein, as submitted or as it may hereafter be modified, is in all other respects fair and equitable to the persons affected thereby;

3. Whether the Amended Plan, as submitted or as it may hereinafter be modified, contains appropriate provisions relating to the time within which the holders of the stock of Federal, Federal Water Service Corporation, and Utility Operators Company may claim the common stock of Scranton and/or cash proposed to be distributed under the Amended Plan;

4. Whether the Amended Plan, as filed or as it may hereafter be modified, makes appropriate provision for the payment of expenses, fees, and remuneration, and, in connection therewith, in what amounts such expenses, fees and remuneration should be paid, and the fair and equitable allocation thereof;

5. Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the act, and rules promulgated thereunder;

6. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder, and, if not, what modifications should be required to be made therein, and what terms and conditions should be imposed to satisfy the applicable statutory standards;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the matters contained herein by mailing forthwith a copy of this notice and order by registered mail to Federal, Jackson et al. (including the Common Stockholders Committee of Federal), New York, and the Trustee of South Bay, or to their respective counsel of record herein; that Federal shall give notice of said hearing by mailing a copy of this notice and order to each of its common stockholders of record, and to holders of certificates of preferred and Class A stock of Federal Water Service Corporation and common stock of Utility Operators Company, that New York shall give notice of said hearing by mailing a copy of this notice and order to each of the holders of its common stock, that the Trustee shall give notice of said hearing by mailing a copy of said notice and order to each holder of the preferred stock of South Bay, all of said notices to be given to said security holders at their last known addresses, at least fifteen days prior to the date of said hearing; that notice shall be given to all persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act; and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7981; Filed, Sept. 12, 1950; 8:45 a. m.]

[File Nos. 54-126, 59-76]

EASTERN GAS AND FUEL ASSOCIATES

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of September A. D. 1950.

The Commission on March 10, 1950, and the United States District Court for the District of Massachusetts on June 29, 1950, having entered orders pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (the "act") approving a plan for the recapitalization of Eastern Gas and Fuel Associates ("Eastern"), a registered holding company and a subsidiary of Koppers Company, Inc. ("Koppers"), also a registered holding company, which holds 1,551,878 shares (78 percent) of the common stock and 50,180 shares (13.4 percent) of the 6 percent Cumulative Preferred Stock of Eastern;

Said plan providing, among other things, for the exchange of six shares of new Common Stock for each share of 6 percent Cumulative Preferred Stock now outstanding, and the exchange of 0.169 of a share of New Common Stock for each share of present Common Stock now outstanding;

It appearing that Koppers, pursuant to said provisions of the plan, would acquire 563,347.382 shares (21.8 percent) of the new Common Stock of Eastern;

The Commission in its findings and opinion dated February 3, 1950, with respect to the plan, having found that such acquisition of shares of the new Common Stock of Eastern by Koppers, in view of an outstanding order of the Commission dated June 26, 1945 (Holding Company Act Release No. 5888) requiring Koppers to divest itself of its interests in Eastern, and Koppers' indicated intention to do so within a reasonable time after consummation of the plan, is consistent with the standards of section 10 of the act, subject to Koppers' making an appropriate application respecting the acquisition;

Koppers having filed an application for approval of the acquisition of said 563,347.382 shares of the new Common Stock of Eastern, and the Commission finding that, subject to the terms and conditions set forth below, the proposed acquisition has the tendency required by the provisions of section 10 (c) (2) of the act, and that no adverse findings under section 10 (b) and section 10 (c) (1) of the act are necessary:

It is ordered, That said application be and the same hereby is granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the further condition that the Commission's order of June 26, 1945, directing Koppers to sever its relationship with Eastern and its subsidiaries by disposing of its direct and indirect ownership, control and holding of securities issued by Eastern and its subsidiaries, shall be deemed to require the disposition of all shares of the new Common Stock of Eastern to be acquired by Koppers pursuant to said plan and this order, with the same force and effect as if said shares had been held by Koppers as of

the date of the said order of June 26, 1945.

It is further ordered, That the filing of the application herein, and the entry of this order, shall not be deemed to terminate any exemption available to Koppers and its affiliates based upon its application for exemption, now pending before the Commission, as provided in section 3 (c) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7983; Filed, Sept. 12, 1950; 8:45 a. m.]

[File Nos. 54-170, 54-172]

NIAGARA HUDSON POWER CORP.

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 7th day of September A. D. 1950.

Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company, having filed applications for approval of plans under section 11 (e) of the Public Utility Holding Company Act of 1935, namely, a Consolidation Plan providing for the consolidation of the three principal subsidiaries of Niagara Hudson into a single new operating company, then referred to as the "New Operating Company" and now named "Niagara Mohawk Power Corporation" ("Niagara Mohawk"), and a Dissolution Plan providing for the dissolution of Niagara Hudson; and the Commission by order dated August 24, 1949, having approved said plans; and the United States District Court for the Northern District of New York having entered its order dated November 4, 1949, enforcing the plans; and said order enforcing the plans having been reversed in part by judgment of the Court of Appeals dated February 1, 1950, and amended February 14, 1950, but only with respect to that part of the order relating to the Class B Option Warrants of Niagara Hudson, the order in all other respects having been affirmed; and

Niagara Hudson having filed with the Commission an application for a supplemental order approving certain steps and transactions to complete consummation of the Dissolution Plan, including the disposition of its remaining assets and provision for its liabilities, as follows:

It is now proposed that, as soon as possible after January 1, 1951, and concurrently with or immediately subsequent to the distribution of its holdings of Niagara Mohawk common stock to its r e m a i n i n g common stockholders, Niagara Hudson will transfer all of its remaining assets to Niagara Mohawk, and that Niagara Mohawk will assume all of the obligations and liabilities, if any, of Niagara Hudson outstanding at such time, including any liability for the payment of fees and expenses incident to the Consolidation Plan and Dissolution Plan, any tax liabilities not then finally determined, and any payments which may be required to be made to holders of the Class B Option Warrants of Niagara Hudson in the event of the conclusion of pending litigation with respect to such Option Warrants in favor of the holders thereof.

With respect to the distribution to the remaining holders of Niagara Hudson common stock of the shares of Niagara Mohawk common stock presently held by Niagara Hudson, in the ratio of 0.78 shares of Niagara Mohawk common stock for each share of Niagara Hudson common stock, pursuant to the Dissolution Plan, it is proposed that such distribution shall be commenced as soon as possible after the record date fixed by the Board of Directors of Niagara Mohawk for the dividend upon Niagara Mohawk common stock to be made payable on December 31, 1950, which date is presently anticipated by Niagara Hudson to be on or about December 2, 1950.

It is further proposed by Niagara Hudson that any holder of nine or less than nine shares of Niagara Hudson common stock may elect (a) to receive the equivalent number of shares of Niagara Mohawk common stock (plus Niagara Mohawk common stock scrip for any resulting fraction of less than one full share), on the basis of the 0.78 for 1 ratio, or (b) on or before February 1, 1951, to receive an amount of cash equal to the proceeds of the sale of such equivalent number of shares of Niagara Mohawk common stock (including fractions of shares) at the market price for such shares on the New York Stock Exchange at the closing of the market on the business day last preceding the day of presentation of his Niagara Hudson common stock for surrender.

There are presently outstanding bearer scrip certificates of Niagara Hudson representing rights in respect of fractions of shares of its common stock, which were issued incident to the consolidation forming Niagara Hudson on February 1, 1937. Such bearer scrip certificates are presently outstanding in the aggregate amount of 1,996⅔ shares of Niagara Hudson common stock, and a like number of full shares of Niagara Hudson common stock has been reserved by Niagara Hudson for issue upon the presentation and surrender of such bearer scrip certificates when presented in amounts aggregating one or more full shares in accordance with their terms. In order to make appropriate provision for the holders of such scrip certificates outstanding at the time of dissolution of Niagara Hudson, Niagara Hudson proposes to reserve, in lieu of the shares of Niagara Hudson common stock reserved against such outstanding scrip certificates, the equivalent number (on the basis of the ratio of 0.78 for 1) of shares of Niagara Mohawk common stock. Niagara Hudson further proposes to provide that from the time of the distribution to the remaining holders of Niagara Hudson common stock of shares of Niagara Mohawk common stock, such outstanding scrip certificates will be deemed to represent rights in respect of fractions of full shares of Niagara Mohawk common stock, subject to the same terms, provisions and conditions as are provided with respect to the bearer scrip certificates representing rights in respect of fractions of shares of Niagara Mohawk common stock which have been issued or are issuable under the provisions of the Dissolution Plan.

Niagara Hudson having requested that the Commission's supplemental order herein conform to the pertinent provisions of the Internal Revenue Code as amended, including section 1808 (f) and Supplement R thereof, and contain the specifications therein set forth, wherever pertinent; and

Niagara Hudson having requested the Commission, pursuant to section 11 (e) of the act, to apply to the United States District Court for the Northern District of New York for a supplemental order to enforce and carry out the steps and transactions summarized about; and

Said application for supplemental order having been filed on August 14, 1950, and the Commission having issued a notice of filing with respect to said application stating that any interested person might, not later than September 6, 1950, request the Commission in writing that a hearing be held on said application, and the Commission not having received a request for hearing within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the steps and transactions proposed in connection with the consummation of the Dissolution Plan of Niagara Hudson will have no adverse effect on the security holders of Niagara Hudson or Niagara Mohawk, that such steps are necessary to effectuate the provisions of section 11 (b) of the act, are fair and equitable to the persons affected; and conform to all applicable requirements of the act, and that said requests of Niagara Hudson may appropriately be granted:

It is ordered, Pursuant to section 11 (e) and the other applicable provisions of the act, that said application be and it hereby is granted, subject to the conditions specified in Rule U-24 of the general rules and regulations promulgated under the act and subject to the reservations of jurisdiction contained in the Commission's order herein dated August 24, 1949;

It is further ordered, That counsel for the Commission be, and they hereby are, authorized and directed to make application forthwith, on behalf of the Commission, to the United States District Court for the Northern District of New York, pursuant to the provisions of section 11 (e) of the act and in accordance with subsection (f) of section 18 of the act, for a supplemental order to enforce and carry out the steps and transactions hereby approved;

It is further ordered, That this supplemental order shall not be operative to authorize the consummation of said steps and transactions unless and until the United States District Court for the Northern District of New York shall, upon application thereto, enter a supplemental order enforcing said steps and transactions;

It is further ordered and recited, That the steps and transactions proposed in the aforesaid Dissolution Plan to be

effected by Niagara Hudson and Niagara Mohawk, including particularly those herein described and recited, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and that said steps and transactions are hereby authorized, approved and directed:

(1) The distribution by Niagara Hudson or by J. P. Morgan & Co. Incorporated, as Exchange and Fiscal Agent, of all Niagara Hudson's remaining shares of Common Stock of Niagara Mohawk to the remaining holders of the Common Stock of Niagara Hudson in exchange for Common Stock of Niagara Hudson and the transfer and surrender of such Niagara Hudson Common Stock to Niagara Hudson.

(2) The sale by J. P. Morgan & Co. Incorporated, as Exchange and Fiscal Agent, of the shares of Niagara Mohawk Common Stock which would have been distributable to the holders of nine or less than nine shares of Niagara Hudson Common Stock had such holders not elected to receive a cash payment equal to the proceeds of sale thereof, and the transfer of such Niagara Mohawk Common Stock by such Exchange and Fiscal Agent.

(3) The distribution by Niagara Hudson, or by J. P. Morgan & Co. Incorporated, as Exchange and Fiscal Agent, of Niagara Mohawk Common Stock Scrip Certificates in exchange for Niagara Hudson Common Stock Scrip Certificates (in the ratio of 0.78 share of Niagara Mohawk Common Stock for each one full share of Niagara Hudson Common Stock), and the transfer and surrender of such Niagara Hudson Common Stock Scrip Certificates.

(4) The transfer by Niagara Hudson to Niagara Mohawk, or to J. P. Morgan & Co. Incorporated, as Scrip Agent, of the number of shares of Niagara Mohawk Common Stock equivalent (on a ratio of 0.78 share-for-1) to the number of full shares of Niagara Hudson Common Stock reserved against Niagara Hudson Common Stock Scrip Certificates.

(5) The transfer by Niagara Hudson of all its remaining assets, rights and privileges, including particularly, without limiting the generality of the foregoing, cash on hand and in banks, to Niagara Mohawk and the assumption by Niagara Mohawk of all of the obligations and liabilities, if any, of Niagara Hudson outstanding at the time of such transfer, incuding payment of all fees and expenses incident to the Consolidation and Dissolution Plans not theretofore paid, the payment of any tax liabilities of Niagara Hudson for years in respect of which no final determination of tax liability has been made, and any payments which may hereafter be required to be made of holders of Class B Option Warrants of Niagara Hudson on final determination of the appeal and proceedings for certiorari in the Supreme Court of the United States in the action of M. Victor Leventritt, Appellant, v. Securities and Exchange Commission and Niagara Hudson Power Corporation, Respondents, in the United States Court of Appeals for the Second Circuit, and of further proceedings, if any, before the Commission and courts resulting from such proceedings or otherwise.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7980; Filed, Sept. 12, 1950; 8:45 a. m.]

[File No. 70-2431]

SCRANTON-SPRING BROOK WATER SERVICE CO. AND WINTON WATER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 7th day of September A. D. 1950.

Scranton-Spring Brook Water Service Company ("Scranton"), a public utility subsidiary company of Federal Water and Gas Corporation, a registered holding company, and The Winton Water Company ("Winton"), a wholly-owned subsidiary of Scranton, having filed a joint application-declaration and an amendment thereto with this Commission pursuant to the provisions of sections 9, 10, and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-43 promulgated thereunder regarding the following transactions:

Scranton is engaged primarily in the business of storing water and selling it to the public. In this connection Scranton leases three water reservoirs from Winton which comprises the entire plant and property of Winton. Other than said plant and property, Winton's assets consist of cash and receivables from associated companies.

It is proposed that in consideration of the surrender by Scranton to Winton of all the latter's issued and outstanding capital stock for cancellation, Scranton will acquire all of Winton's franchises, rights, powers and property and assume all its obligations.

Upon the completion of the above mentioned transactions Winton will cease to exist, and its properties will be merged into Scranton pursuant to the laws of the State of Pennsylvania.

Said joint application-declaration having been filed on July 6, 1950, and an amendment thereto having been filed on August 28, 1950, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Pennsylvania Public Utility Commission, the only State Commission having jurisdiction over the proposed transactions, having duly authorized the proposed transactions as above set forth, and applicants-declarants having requested that the Commission order herein with respect to said application-declaration, as amended, become effective upon issuance; and

The Commission finding with respect to the joint application-declaration, as amended, that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective, subject to the terms and conditions specified below; and

The Commission further deeming it appropriate to grant the request of the joint applicants-declarants that the order herein become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7985; Filed, Sept. 12, 1950; 8:45 a. m.]

[File Nos. 70-2441, 31-574]

MIDDLE SOUTH UTILITIES, INC., ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of September A. D. 1950.

In the matter of Middle South Utilities, Inc., Arkansas Power & Light Company, and MidSouth Gas Company, File No. 70-2441; Equitable Securities Corporation, T. J. Raney & Sons, and Womeldorff & Lindsey, File No. 31-574.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, having filed a declaration with this Commission, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 thereunder, regarding the proposed sale of all of the gas utility assets of Middle South's utility subsidiary, Arkansas Power & Light Company ("Arkansas"), to MidSouth Gas Company ("Gasco"), for (1) $1,943,118 in cash, subject to certain adjustments, (2) an undertaking by Gasco to construct a pipeline and to transmit natural gas from Helena, Arkansas, to Arkansas's new generating station at Palestine, Arkansas, and (3) an undertaking by Gasco to furnish natural gas service to certain communities in eastern Arkansas; and

Equitable Securities Corporation, T. J. Raney & Sons, and Womeldorff & Lindsey ("Equitable Group"), which firms as a group propose to purchase all of the voting securities to be initially issued by Gasco, having filed a joint application pursuant to sections 3 (a) (3) and 3 (a) (4) of the act requesting an exemption from all of the provisions of the act otherwise applicable to the group as a public utility holding company; and

Equitable Securities Corporation ("Equitable"), having filed an application under section 9 (a) (2) of the act with respect to its proposed acquisition of a part of the voting securities to be initially issued by Gasco; and

Arkansas having requested that any order approving the sale contain the recitals required by sections 371 (d), 371 (f), and 1808 (f) of the Internal Revenue Code, as amended, including Supplement R thereof; and

All of the parties having requested that any order of the Commission approving the proposed transactions and granting the requested exemption application become effective upon issuance; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That the declaration with respect to the sale of the gas utility assets of Arkansas be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

It is further ordered, That the application filed by Equitable Securities Corporation under section 9 (a) (2) of the act with respect to the acquisition of certain voting securities of Gasco be, and the same hereby is, granted forthwith, subject to the terms and conditions contained in Rule U-24.

It is further ordered, That the application of Equitable Securities Corporation, T. J. Raney & Sons, and Womeldorff & Lindsey for an exemption as a holding company from the provisions of the act be, and is hereby granted forthwith pursuant to section 3 (a) (4) of the act, subject to the terms and conditions contained in Rule U-24 and to the following additional terms and conditions:

1. That the Equitable Group dispose of the stock of Gasco within one year from date of acquisition unless such time shall, upon application, be extended by this Commission.

2. That the financing of Gasco be carried out substantially in accordance with the representations contained in the exemption application.

3. That the Equitable Group give 10 days' advance notice to this Commission of any transaction with respect to Gasco, which but for the exemption herein granted would require the filing of an application or declaration under sections 6, 7, 9, 10, 11, 12, or 13 of the act, that the Commission may notify the Equitable Group to modify any such proposed transaction within such 10-day period, and that any such proposed transactions shall not be carried out during the pendency of any proceeding which the Commission may institute during an additional 10-day period to determine whether the exemption herein granted should be revoked or modified.

It is further ordered and recited, That the transactions proposed in the declaration filed under section 12 (d) of the act, namely, the sale and transfer by Arkansas of its gas distribution systems or properties and related facilities to MidSouth Gas Company, and the receipt by Arkansas of the consideration therefor as set forth in said declaration, are necessary and appropriate to the integration or simplification of the holding company system of which Arkansas is a member, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-7984; Filed, Sept. 12, 1950; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15010]

DANIEL EMIL KLEPS

In re: Trust under the will of Daniel Emil Kleps, deceased (File No. D-28-10181; E. T. sec. No. 14502).

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara (Klara) Muehlbradt, Walter Muehlbradt, Elise Spohr Handorf, Richard Spohr, Karl Spohr and Gertrud Spohr, whose last known address in Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Laura Spohr, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Daniel Emil Kleps, deceased, presently being administered by American Security and Trust Company, trustee, Fifteenth and Pennsylvania Avenue, NW., Washington 13, D. C., and in and to the estate of Daniel Emil Kleps, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Laura Spohr, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 50-8002; Filed, Sept. 12, 1950; 8:47 a. m.]

[Vesting Order 15014]

BERNHARD THEODOR VIERICH

In re: Estate of Bernhard Theodor Vierich, also known as Bernard Theodore Vierich, deceased File D-28-4129; E. T. sec. 7113.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Reinhard, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Bernhard Theodor Vierich, also known as Bernard Theodore Vierich, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by The Trust Company of New Jersey, as executor, acting under the judicial supervision of the Hudson County Court, Probate Division, New Jersey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8003; Filed, Sept. 12, 1950; 8:47 a. m.]

[Vesting Order 15021]

SHOHO FUJIIE

In re: Cash owned by Shoho Fujiie, also known as Shoho Fujii. F-39-6082-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shoho Fujiie, also known as Shoho Fujii, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $133.52, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," in the name of Shoho Fujiie, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Shoho Fujiie, also known as Shoho Fujii, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8004; Filed, Sept. 12, 1950; 8:47 a. m.]

[Vesting Order 15026]

MARIA AMALIA AND HEDWIG LANG

In re: Bonds owned by and debts owing to Maria Amalia Lang and Hedwig Lang. F-28-30874.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Amalia Lang and Hedwig Lang, each of whose last known address is Darmstadterstrasse 101, Badenhausen Hessen 16, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) Republic of Chile External Sinking Fund Dollar bonds of 1948, each of $1,000.00 face value, bearing the numbers, M 3971 and M 3972 and presently in the custody of Baer Custodian Corporation, 67 Wall Street, New York, New York, in a General Ruling No. 6 account entitled, "Julius Baer & Co., Zurich, Switzerland", together with any and all rights thereunder and thereto,

b. That certain debt or other obligation of Baer Custodian Corporation, 67 Wall Street, New York, New York, in the amount of $2,628.50 as of June 19, 1950, representing a portion of an account entitled, "Julius Baer & Co., Zurich, Switzerland, General Ruling No. 6 Account", together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of Baer Custodian Corporation, 67 Wall Street, New York, New York, in the amount of $280.40 as of June 19, 1950, representing a portion of a blocked account entitled, "Julius Baer & Co., Zurich, Switzerland", together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Maria Amalia Lang and Hedwig Lang, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8005; Filed, Sept. 12, 1950; 8:47 a. m.]

[Vesting Order 15032]

ERNST SONNTAG

In re: Stock owned by Ernst Sonntag also known as Ernest Sonntag. F-28-23396.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Sonntag also known as Ernest Sonntag, whose last known address is Plochingerstrasse 13, Wernau am Neckar, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of no par value common stock of Briggs Manufacturing Company, Detroit 12, Michigan, evidenced by a certificate numbered NYA1918, registered in the name of Ernst Sonntag, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise

dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8006; Filed, Sept. 12, 1950; 8:47 a. m.]

[Vesting Order 12796, Amdt.]

TAJIRO SUMIDA

In re: Debts owing to and claims and stock owned by Tajiro Sumida, also known as T. Sumida.

Vesting Order 12796, dated February 1, 1949, is hereby amended as follows and not otherwise:

1. By deleting from subparagraph 2-b of said Vesting Order 12796 the name, Nippu Jiji Co., Ltd., and susbtituting therefor the following: Hawaii Times, Limited (formerly Nippu Jiji Co., Ltd.);

2. By deleting from Exhibit A, attached to said Vesting Order 12796, all reference to forty (40) shares of stock in Nippu Jiji Co., Ltd.; and

3. By inserting after subparagraph 2-f of said Vesting Order 12796, the following new subparagraph:

g. All monies and amounts paid to or for the account of, or received directly or indirectly by, Shinzaburo Sumida, 1052 Ilima Drive, Honolulu, T. H., by reason of the sale of forty (40) shares of common stock of Hawaii Times, Limited, (formerly Nippu Jiji Co., Ltd.) a corporation organized under the laws of the Territory of Hawaii, evidenced by certificate numbered 80 and registered in the name of Shinsaburo Sumida,(.)

All other provisions of said Vesting Order 12796 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 29, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8008; Filed, Sept. 12, 1950; 8:47 a. m.]

[Vesting Order 15075]

SOPHIE M. HAUK

In re: Estate of Sophie M. Hauk, deceased. File No. D-28-12797; E. T. Sec. 16971.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Stahl, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Sophie M. Hauk, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Wilhelmina E. Stahl, as administratrix c. t. a. acting under the judicial supervision of the Probate Court, Suffolk County, Boston, Massachusetts;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. Doc. 50-8007; Filed, Sept. 12, 1950; 8:47 a. m.]

[Vesting Order 14776, Amdt.]

SEIICHIRO IWASAKI

In re: Stock owned by Seiichiro Iwasaki, also known as Seiichiro Iwaski. F-39-1037-A-1.

Vesting Order 14776, dated June 20, 1950, is hereby amended as follows and not otherwise:

1. By deleting subparagraph 2a of the aforesaid Vesting Order 14776, and substituting therefor the following: Twelve (12) shares of no par value common capital stock of State Street Investment Corporation, 140 Federal Street, Boston 10, Massachusetts, a corporation organized under the laws of the State of Massachusetts, evidenced by 3 certificates numbered C52166 for six shares, C2041 for five shares and C18225 for one share of no par common stock of said State Street Investment Corporation, registered in the name of Seiichiro Iwasaki, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, together with all declared and unpaid dividends thereon, and

2. By deleting subparagraph 2h of the aforesaid Vesting Order 14776, and substituting therefor the following: Thirty-four (34) stock purchase warrants of the General Investment Corporation, 941 North Meridian Street, Indianapolis, Indiana, evidenced by a bearer certificate, numbered NCW952, and presently in the custody of Yoneo Arai, Glen Avon Drive, Riverside, Connecticut, and any and all rights thereunder and thereto,

All other provisions of said Vesting Order 14776 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 28, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-8009; Filed, Sept. 12, 1950; 8:47 a. m.]

[Return Order 703]

CARMELA GIORDANO D'ONOFRIO

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Carmela Giordano D'Onofrio a/k/a Melluci D'Onofrio, Forchia (Benevento) Italy, Claim No. 36264; July 14, 1950 (15 F. R. 4479); $505.88 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8010; Filed, Sept. 12, 1950; 8:47 a. m.]

[Return Order 727]

CHARLOTTE DURRIGL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return,

and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Charlotte Durrigl nee Zillinger, Vienna, Austria, Claim No. 6173; August 1, 1950 (15 F. R. 4933), $772.24 in the Treasury of the United States. All right, title, interest, and claim of any kind or character whatsoever of Charlotte Durrigl in and to the estate of Andrew C. Zinninger, deceased. An undivided ¼th interest in 500 shares Butte Copper Consolidated Mines capital stock—par value 50¢ per share. Certificate No. 25717, presently in the custody of the Safekeeping Department of the Federal Reserve Bank, New York. An undivided ¼th interest in the following securities located in the Office of Alien Property, 120 Broadway, New York, N. Y.:

2 units Cameron-Anderson Interests—par value $25.00 per unit. Certificate No. 420 for 2 units.

2 units Cameron-Anderson Interests preorganization receipt Certificate No. 177 for 2 units.

200 shares Evangeline Oil Company capital stock—par value 50¢ per share. Certificate Nos. 16074 for 80 shares, 3783 and 7687 for 50 shares each and 11360 and 15184 for 10 shares each.

250 shares The Evangeline Petroleum Company capital stock—par value 50¢ per share. Certificate Nos. 1499 for 150 shares and 6068 for 100 shares.

325 shares Lorrain Consolidated Mines, Limited, capital stock—par value $1.00 per share. Certificate No. 0-3984 for 325 shares.

2 units Slentz Smackover Holding Syndicate—par value $15.00 per unit. Certificate No. 283 for 2/1500ths beneficial interest in oil and gas leases.

2 units Smackover Membership Lease Pool—par value $20.00 per unit. Certificate Nos. 245 and 283 for one unit each.

50 units Smackover Five Gusher Pool—par value $1.00 per unit. Certificate Nos. 371 for 40 units, 795 for 8 units and 652 for 2 units.

Cameron-Anderson Archer-Baylor Protection Leases. Certificate No. 339 for 2/900ths interest in oil and gas leases.

Cameron-Anderson Free Fifty-Acre Lease Pool. Certificate No. 580 for 2/1000ths interest in oil and gas leases.

Cameron-Anderson Free Twenty-Acre Seay Lease. Certificate No. 835 for 50/186000ths interest in oil and gas leases.

Cameron-Anderson Free 160 Acre Reagan County Leases. Certificate No. 130 for 25/15000ths interest in oil and gas leases.

25 shares Apple Radio Corporation capital stock par value $5.00 per share. Certificate No. 119 for 25 shares.

200 shares The Atlantic Fruit & Sugar Company common stock—par value $1.00 per share. Certificate Nos. 19407 and 19408 for 100 shares each.

40 shares Atlantic United Petroleum Company capital stock—par value $1.00 per share. Certificate Nos. 1037 and 1217 for 20 shares each.

550 shares Blue Bird Oil Corporation capital stock—par value 10¢ per share. Certificate Nos. 9769 for 500 shares and 5425 for 50 shares.

150 shares Bush Consolidated Gold Mines Inc., capital stock—par value 50¢ per share. Certificate No. 170 for 150 shares.

1 share Cape May Golf Development Company capital stock—par value $100.00 per share. Certificate No. 14 for 1 share.

12 95/100ths shares The Gold Dirt Mining Company capital stock—par value $1.00 per share. Certificate Nos. 2540 for 4 20/100ths shares and 1988-B for 8 75/100ths shares.

25 shares Hapgood Production Company capital stock—par value at $1.00 per share. Certificate No. 467 for 25 shares.

350 shares Intercontinent Petroleum Corporation capital stock—par value $5.00 per share. Certificate Nos. N-4648, N-4649 and N-4650 for 100 shares each and NO-424 for 50 shares.

5 shares Mid-Columbia Oil and Development Company capital stock—without par value. Temporary Certificate No. T. O. 74 for 5 shares.

500 shares The Peerless Consolidated Copper Company capital stock—par value 1¢ per share. Certificate No. 842 for 500 shares.

350 shares The Rose-City Ore Company capital stock—par value 5¢ per share. Certificate No. 3542 for 350 shares.

160 shares Seafoam Mines Corporation capital stock—without par value. Certificate No. (not legible) for 160 shares.

200 shares Sunstar Oil Company capital stock—par value $1.00 per share. Certificate No. 497 for 200 shares.

500 shares Unity Mines Corporation capital stock—par value $1.00 per share. Certificate Nos. 2425/2429, incl. for 100 shares each.

5 units Vitek Oil & Refining Company—par value $10.00 per unit. Trustee's Cert. No. 30169 for 5 units.

$165.00 The Blue Bird Oil Corporation Production Bond Series "A." Certificate No. 5539 for $15.00 and Certificate No. 7245 for $150.00.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8011; Filed, Sept. 12, 1950; 8:48 a. m.]

[Return Order 729]

JAKOB RANTASA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published and Property

Jacob Rantasa, Vienna, Austria; Claim No. 37388; August 2, 1950 (15 F. R. 4966); Property described in Vesting Order No. 68 (7 F. R. 6181, August 11, 1942), relating to United States Patent Application Serial No. 321,122 (now United States Patent No. 2,330,-623). Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Patent No. 1,696,125. This return shall not be deemed to include the rights of any licensees under the above patent application or patent.

Executed at Washington, D. C., on September 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8012; Filed, Sept. 12, 1950; 8:48 a. m.]